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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,352	04/26/2001	Moshe Shavit	782.1099	6968

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EXAMINER
HASHEM, LISA

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 November 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

                                                              ˅

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)
   Paper No(s)/Mail Date _____ .   6) ☐ Other: _____ .

DETAILED ACTION

Oath/Declaration

1.   The Declaration filed on November 10, 2004 under 37 CFR 1.131 is sufficient to

overcome the Chesnais reference. Accordingly, new rejection(s) are presented below.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claims 17-18 recite the limitation "the method". There is insufficient antecedent basis

for this limitation in the claim. Examiner assumes this limitation to be 'the process'.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 19-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S.

Patent No. 5,717,741 by Yue et al, hereinafter Yue.

Regarding claim 19, Yue discloses a method of selecting a delivery device for a

message or call (col. 1, lines 10-13), comprising: receiving priority tables or hierarchical lists of

delivery devices or destinations (col. 4, lines 1-4), respectively, for each of a plurality of message

recipients or subscribers, the priority tables being customized for each message recipient (col. 3,

lines 8-17); allowing the priority tables to be dynamically changed for each message recipient via

the override capability that is enabled by the subscriber, wherein calls can be routed to a

particular destination (col. 7, lines 39-51); selecting, for each message to be transmitted, a delivery device, e.g. a mobile telephone, having a highest priority from a corresponding priority table and determining whether the recipient of the message to be transmitted is available on the selected device; and continuing, for each message recipient that is not available on the selected device, to sequentially select another delivery device according to the corresponding priority table and to send the message to be transmitted to the selected delivery device, until the message recipient is available on the selected device (final destination) (col. 7, lines 12-38).

Regarding claim 20, Yue discloses a method for delivering a message or call (col. 1, lines 10-13), comprising: creating a priority table or hierarchical list of delivery devices or destinations of a recipient or subscriber of the message (col. 3, lines 8-17; col. 4, lines 1-4; col. 7, lines 4-10; col. 15, line 36 - col. 16, line 31); and cycling through delivery attempts to the delivery devices one at a time until the message is delivered responsive to priorities of the priority table (col. 6, lines 47-65).

Regarding claim 21, Yue discloses a method for delivering a message or call (col. 1, lines 10-13), comprising: creating a priority table or hierarchical list of delivery devices or destinations of a recipient or subscriber of the message (col. 3, lines 8-17; col. 4, lines 1-4; col. 7, lines 4-10; col. 15, line 36 - col. 16, line 31); cycling through delivery attempts to the delivery devices one at a time until the message is delivered responsive to priorities of the priority table (col. 6, lines 47-65); and changing the priorities responsive to prior deliveries between cycles (col. 7, lines 39-51).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yue in view

of U.S. Patent No. 6,147,977 by Thro et al, hereinafter Thro.

Regarding claim 1, Yue discloses a method for selecting a delivery mechanism for a

message or call (col. 1, lines 10-13), comprising: creating, by a recipient or subscriber of the

message, a priority table or hierarchical list of delivery devices or destinations of a recipient or

subscriber of the message (col. 3, lines 8-17; col. 4, lines 1-4; col. 7, lines 4-10; col. 15, line 36 -

col. 16, line 31); selecting a delivery device from the priority table having a highest priority and

sending the message to the selected device (col. 7, lines 11-13); and continuing, if the recipient

did not receive the message using a highest priority delivery device, to sequentially select

another delivery device according to the priority table and send the message to the selected

delivery device, until the recipient receives the message (col. 6, lines 47-65).

Yue does not disclose creating, by a sender of the message, a priority table of delivery

devices of a recipient of the message.

Thro discloses a method and apparatus that processes messages within a wireless

communications system based on originator or sender priority and recipient priority (see

Abstract). In Fig. 2, the known parties table (Fig. 2, 72) shows that a message sent to a recipient

has a priority designated by the sender (col. 5, lines 26-45). Wherein the sender of a message

creates a priority table of priority levels for messages sent to a recipient. Depending on the

priority level, a delivery device is chosen as shown in Fig. 2, 80.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the method of Yue to include creating a priority table by the sender as

taught by Thro to select a particular delivery device by priority in order to send a message to a

recipient. One of ordinary skill in the art would have been lead to make such a modification in

order for a sender to efficiently transmit a message to a recipient with confidence that the

message reaches the recipient using a delivery mechanism chosen by the sender, without sending

a duplicate message to each one of the recipient's mailboxes.

Regarding claim 2, the method of claim 1 mentioned above, wherein Yue further

discloses determining a reachability of a recipient before sending the message to the selected

delivery device (col. 6, lines 26-35; col. 7, lines 11-20).

Regarding claim 3, the method of claim 1 mentioned above, wherein Yue further

discloses if the message has not been delivered to the recipient after a last delivery device has

been selected, selection of delivery devices begins again (Fig. 3B, step 70), starting with the

highest priority delivery device in the priority table, after a predetermined time has expired (col.

11, line 43 – col. 12, line 17).

Regarding claim 4, the method of claim 1 mentioned above, wherein Yue further

discloses the priority table is configured in a way that all messages are sent to the recipient using

a particular delivery device (col. 7, lines 39-51).

Regarding claim 5, the method of claim 4 mentioned above, wherein Yue further

discloses the priority table inherently comprises a name/ID of the recipient, the delivery device,

and a delivery address for the delivery device (col. 3, lines 8-17; col. 3, line 60 – col. 4, line 4; col. 15, line 36 - col. 16, line 31).

Regarding claim 6, the method of claim 1 mentioned above, wherein Yue further discloses the priority table is configured in a way that a delivery device is selected according to time of day and day of week (col. 3, lines 8-17; col. 7, lines 4-10).

Regarding claim 7, the method of claim 6 mentioned above, wherein Yue further discloses the priority table inherently comprises a name/ID of the recipient, a list of delivery times and dates, delivery devices corresponding to the delivery times and dates, and delivery addresses corresponding to the delivery devices (col. 3, lines 8-17; col. 3, line 60 – col. 4, line 4; col. 7, lines 4-10; col. 15, line 36 - col. 16, line 31).

Regarding claim 8, the method of claim 1 mentioned above, wherein Yue further discloses the priority table is configured in a way that a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient (col. 7, lines 39-51), and the previous message was inherently delivered within a predetermined amount of time before the current message is sent (col. 7, lines 39-51).

Regarding claim 9, the method of claim 1 mentioned above, wherein Yue further discloses the priority table is configured in a way that a first delivery device selected to send a current message inherently is a same type of device as the type of device used by the sender to create the message, e.g. if both sender device and recipient device are telephones (ex: office, home, mobile) (col. 3, line 60 – col. 4, line 4; col. 6, lines 5-35).

Regarding claim 10, the method of claim 1 mentioned above, wherein Thro discloses a method and apparatus that processes messages within a wireless communications system based

on originator or sender priority and recipient priority (see Abstract). In Fig. 2, the known parties

table (Fig. 2, 72) shows that a message sent to a recipient has a priority designated by the sender

(col. 5, lines 26-45). Wherein the sender of a message creates a priority table of priority levels

for messages sent to recipients (see Fig. 2, 72; Party ID: 0001, 0002, 0003) (the sender sends a

message to one or more recipients and creates a priority table for each recipient). Depending on

the priority level, a delivery device is chosen as shown in Fig. 2, 80.

Regarding claim 11, the method of claim 1 mentioned above, wherein Yue further

discloses the delivery device comprises one of a 3G wireless device, a mobile phone, a fixed

telephone, a personal computer, a facsimile device, a pager, and a personal digital assistant (col.

3, line 60 – col. 4, line 4).

Regarding claim 12, the method of claim 1 mentioned above, wherein Yue further

discloses a format of the message comprises one of a voice message, a text message, an

electronic mail message, an instant message, a short message service message, and a video

message (col. 7, lines 39-51; col. 11, lines 13-27).

Regarding claim 13, Yue discloses a system (see Fig. 1) for selecting a delivery

mechanism of a message or call (col. 1, lines 10-13), comprising: a preferences and profile

database or personal number communications system (PNCS) (Fig. 1, 10; col. 5, lines 54-65; col.

6, lines 36-46) containing a priority table or hierarchical list, created by a recipient or subscriber

of the message, of delivery devices of a recipient of the message (col. 3, lines 8-17; col. 4, lines

1-4; col. 7, lines 4-10; col. 15, line 36 - col. 16, line 31); and a priority delivery selection logic

unit (Fig. 2, 3A-3C, 5) inherently selecting a delivery device from the priority table having a

highest priority and sending the message to the selected device (col. 7, lines 11-13), and

continuing, if the recipient did not receive the message using a highest priority delivery device, to sequentially select another delivery device according to the priority table and send the message to the selected delivery device, until the recipient receives the message (col. 6, lines 47-65).

Yue does not disclose creating, by a sender of the message, a priority table of delivery devices of a recipient of the message.

Thro discloses a method and apparatus that processes messages within a wireless communications system based on originator or sender priority and recipient priority (see Abstract). In Fig. 2, the known parties table (Fig. 2, 72) shows that a message sent to a recipient has a priority designated by the sender (col. 5, lines 26-45). Wherein the sender of a message creates a priority table of priority levels for messages sent to a recipient. Depending on the priority level, a delivery device is chosen as shown in Fig. 2, 80.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Yue to include creating a priority table by the sender as taught by Thro to select a particular delivery device by priority in order to send a message to a recipient. One of ordinary skill in the art would have been lead to make such a modification in order for a sender to efficiently transmit a message to a recipient with confidence that the message reaches the recipient using a delivery mechanism chosen by the sender, without sending a duplicate message to each one of the recipient's mailboxes.

Regarding claim 14, the system of claim 13 mentioned above, wherein Yue further discloses the priority delivery selection logic unit and the preferences and profiles database are

located within a store and forward portion of a multimedia messaging system (Fig. 1, 10; col. 5, line 54 – col. 6, line 65).

Regarding claim 15, the system of claim 13 mentioned above, wherein Yue further discloses determining a reachability of the recipient before sending the message to the selected delivery device (col. 6, lines 26-35; col. 7, lines 11-20).

Regarding claims 16-18, please see the rejection of the method in claims 1-3 mentioned above, respectively, to reject the process in claims 16-18, wherein Yue discloses a computer-readable storage controlling a computer or personal number communications system (PNCS) (Fig. 1, 10; col. 5, lines 54-65; col. 6, lines 36-46) to select a delivery mechanism for a message or a call.

Response to Argument

8.   Applicant's arguments, see Amendment, filed November 10, 2004, with respect to the rejection(s) of claim(s) 1-21, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see the rejection(s) above for claims 1-21.

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

  - U.S. Patent No. 6,792,082 by Levine teaches a personal assistant system uses context to

    intelligently make contacts and for provisioning an address book; the system uses history

    information to make predictions of whether calls will be successful when no preference is

    specified by the user

  - U.S. Patent No. 6,212,550 by Segur discloses a method and system in a client-server for

    automatically converting messages from a first format to a second format compatible

    with a message retrieving device

11.   Any response to this action should be mailed to:

<div align="center">

Commissioner of Patents and Trademarks
Washington, D.C. 20231

</div>

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington,
VA, Sixth Floor (Receptionist).

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The

examiner can normally be reached on M-F 8:30-5:30.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or

relating to the status of this application or proceeding should be directed to the Group

receptionist whose telephone number is (703) 305-3900.

lh
March 19, 2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600